

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Criminal No. 1:21-CR-393 (TJM)
)	
v.)	JOINT STIPULATION AND ORDER
)	FOR CONTINUANCE
CHRISTOPHER PENCE,)	
)	
)	
Defendant.)	

Eric K. Schillinger, Esq., the attorney for **CHRISTOPHER PENCE** having moved for an additional continuance of 60 days in the above-captioned action, and Carla B. Freedman, United States Attorney for the Northern District of New York, Assistant U.S. Attorney Emmet J. O'Hanlon, appearing, having consented to the continuance and proposed the exclusion of the additional 60-day period of continuance under the Speedy Trial Act, the parties hereby stipulate and agree as follows:

- 1) The prior proceedings in this case occurred as follows:
 - a) Date of complaint: October 27, 2021
 - b) Date of indictment: November 9, 2021
 - c) Date of initial appearance on indictment: February 8, 2022
 - d) Defendant custody status: detained
- 2) The Court has previously ordered the following periods of time excluded under the Speedy Trial Act based on joint stipulation by the parties.
 - a) From March 30, 2022 until May 28, 2022. (Dkt. 12.)
 - b) From June 1, 2022 until July 30, 2022. (Dkt. 14.)
 - c) August 2, 2022 until September 30, 2022. (Dkt. 16.)

3) CHRISTOPHER PENCE has requested the continuance based on the following facts and circumstances:

a) Additional time is required for defense counsel to file motions, and for the parties to negotiate a potential disposition of the charges, and/or prepare for trial. Accordingly, the delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence (3161(h)(7)(B)(iv)).

4) The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial because additional time is required for defense counsel to file motions, and for the parties to negotiate a potential disposition of the charges, and/or prepare for trial, which will allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence (3161(h)(7)(B)(iv)).

5) The parties stipulate and agree that a period of 60 days beginning on and including the date on which the Court signs the requested order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

6) The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: September 27, 2022

CARLA B. FREEDMAN
United States Attorney

By:



Emmet J. O'Hanlon
Assistant United States Attorney
Bar Roll No. 519779

Dated: September 27, 2022

By:

A handwritten signature in blue ink, appearing to read "Eric K. Schillinger", is written over a horizontal line.

Eric K. Schillinger, Esq.

Attorney for CHRISTOPHER PENCE

Bar Roll No. 516083

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ORDER

The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

1. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because additional time is required for defense counsel to file motions, and for the parties to negotiate a potential disposition of the charges, and/or prepare for trial, which will allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence (18 U.S.C. § 3161(B)(iv)).

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS IT IS HEREBY ORDERED:

A period of 60 days, beginning on and including the date of this Order shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the parties the reasonable time necessary for effective preparation.

Any pretrial motions in this case shall be filed on or before _____ and shall be made returnable on _____.

The trial in this matter shall begin on _____ before Senior United States District Judge Thomas J. McAvoy in Albany, New York or, in the alternative, a change of plea shall be entered on or before _____.

IT IS SO ORDERED.

Dated and entered this _____ day of _____, 2022.

Hon. Thomas J. McAvoy
Senior United States District Judge